

**REMARKS**

Claims 1-5, 8-14 and 17 are all the claims pending in the application.

Claims 1-5, 8-14 and 17 are rejected.

Claims 1-5, 8-11, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vardi (U.S. Patent No. 6,831,632) in view of Sato (U.S. Patent No. 5,949,407).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vardi in view of Sato as applied to claim 1 above and further in view of Williams.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vardi in view of Sato as applied to claim 1 above and further in view of Schiller et al.

The Applicants traverse the rejections and request reconsideration.

**Detailed Comments**

***Claim Rejections Under 35 U.S.C. 103(a)***

In the outstanding Office Action, the Examiner contends that Vardi is operable to perform several different functions such as calculator, PDA, remote, control and telephone, etc. The Examiner admits that Vardi does not suggest command codes. However, the Examiner cites to the general use of command codes in remote control devices. The Examiner further notes that the remote control system taught by Sato includes a remote control device adapted to control multiple devices. And further that using the memory (No. 5) for storing a multitude of command codes the remote control device of Sato **may control a number of external devices**.

Even if the Examiner is correct in his assertions, he has not shown where each of the limitations is suggested in the combined teachings of Vardi and Sato to establish *prima facie* obviousness.

Notably, the present invention requires the data storage unit to further include command codes respectively corresponding to a plurality of devices and information stored in correspondence to **at least one specific motion each for each of the device.**

Vardi performs predetermined operations using the perceived hand motion. On the other hand, in the present invention as recited in Claims 1, a correspondence is established between a command code and a specific motion each for each of the device. When the user performs that specific motion, the command code corresponding to perceived motion information is transmitted to the controlled device. In doing this, the present invention also required searching whether a command code corresponding to the perceived motion information exists. In other words, the present invention requires searching whether the perceived motion information corresponds to preset motion information.

Vardi has no teaching or suggestion related to this feature. Vardi merely teaches a skilled artisan to perform operations using perceived hand motion. On the other hand, Sato merely teaches command codes in general. Even if the teachings of Sato were combined, they still do not suggest including command codes respectively corresponding to a plurality of devices and information stored in correspondence to **at least one specific motion each for each of the device.**

This is believed to be a significant gap in the combined teachings which will not be obvious for a skilled artisan to fill in.

The Examiner alleges that using the memory (No. 5) for storing a multitude of command codes the remote control device of Sato **may control a number of external devices**. However, there is no explicit suggestion for meeting the limitations discussed above. Moreover, the present application uses information on motion of an apparatus body and a corresponding command code. This is accomplished by having a motion detection unit adapted to detect at least one motion of an apparatus body. On the other hand, Sato uses a completely different approach. Sato uses position designation information according to key operations and a corresponding command code. (*See* claim 1 and related description of Sato). There is no teaching in Sato about any part corresponding to the motion detection unit of the present application. The data storage unit of the present application stores motion information and a corresponding command code. The memory of Sato stores a command code corresponding to coordinate position. That is, the data storage unit of the present application is distinct from the memory of Sato.

Notwithstanding the Examiner's allegation to the contrary, a skilled artisan would not have been motivated to modify the correspondence between command code and coordinate position to a correspondence between motion information and a command code as in the present invention.

In fact, by teaching such a correspondence information between coordinate position and command codes, Sato teaches away from establishing a correspondence between motion information and command code.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2142 *citing In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The “all limitations” prong of the three prong test for obviousness must fail because of the above noted differences between present invention and the combined teachings of Vardi and Sato. Since all the limitations are not suggested, the motivation prong of the three prong test must also fail. Therefore, the Examiner has not established *prima facie* obviousness of the present invention from the combined teachings of Vardi and Sato.

Claims 2-5 and 8-11 are dependent on claim 1 and should be allowable at least for the same reasons.

Claim 14 includes limitations analogous to claim 1. Therefore, the arguments discussed above are analogously valid.

Claim 17 is dependent on claim 14 and should be allowable at least for the same reasons.

Rejection of Claim 12 under 35 U.S.C. 103(a) based on Vardi, Sato and Williams

Claim 12 is dependent on claim 1, and is allowable at least for the same reasons. Further Williams does not overcome the deficiencies noted above in relation to claim 1.

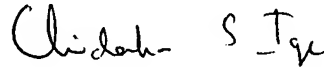
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111  
U.S. Patent Application No.: 10/799,918

Attorney Docket No.: Q78832

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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